

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

O. John Benisek, et al.,

*Plaintiffs,*

vs.

Linda H. Lamone, et al.,

*Defendants.*

Case No. 13-cv-3233

Three-Judge Court

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**PLAINTIFFS' MOTION FOR A SANCTION ORDER COMPELLING ALL  
STATE-OFFICIAL WITNESSES TO TESTIFY AT DEPOSITION  
WITHOUT INVOKING LEGISLATIVE PRIVILEGE**

Based on spoliation of evidence, Plaintiffs O. John Benisek, Jeremiah DeWolf, Sharon Strine, Charles W. Eyler, Alonnie L. Ropp, Edmund Cueman, and Kat O'Connor, hereby move this Court for an order of sanctions compelling compliance with the deposition subpoenas served on state officials, and directing those officials to answer our questions without invoking the legislative privilege, together with any other relief that Court deems warranted.

Plaintiffs submit the attached memorandum in support of this motion.

Dated: February 16, 2017

Respectfully submitted,

/s/ Michael B. Kimberly

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**LOCAL RULE 104.7 STATEMENT**

I hereby certify that on February 10, 2017 at 10:45am, counsel for plaintiffs (Michael Kimberly and Stephen Medlock) and counsel for the defendants and non-party legislators and GRAC members (Jennifer Katz and Sarah Rice) met and conferred via telephone regarding Plaintiffs' spoliation motion. The parties and non-parties were unable to come to any resolution regarding the issue of spoliation.

/s/ Stephen M. Medlock

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of February 2017, a copy of the foregoing Motion for Sanction and the attached Memorandum of Law were filed in the United States District Court for the District of Maryland and electronically served upon all counsel of record through the Court's CM/ECF system.

/s/ Stephen M. Medlock

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